IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 12639 of 2004**

Between:

Mahendra Kumar Vyas, S/o. Brijalal Vyas,
R/o. 15-1-445, Feelkhana, Hyderabad 500 012.

**..... PETITIONER**

AND

1 Municipal Corporation of Hyerabad, Rep. by its Commissioner, Tank Bund,

Hyderabad.
2 Ghovarchand, S/o. Late Himmat Ram,
R/o. H.No. 15-1-635, Feelkhana, Hyderabad.
3 Mahaveer Prasad, S/o. Goverchand,
R/o. H.No. 15-1-635, Feelkhana, Hyderabad.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or Direction more particularly one in the nature of WRIT OF MANDAMUS , directing the 1st respondent Corporation to demolish the illegal floors constructed at premises No. 15-1-635/1 to 7, Feelkhana, Hyderabad belonging to the 2nd and 3rd respondents under due process of Law, and to grant such other relief or reliefs as this Hon'ble court deems fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.A.M.RAO**

**Counsel for Respondent No.1: MR.RAMA RAO GANTA**

**Counsel for Respondents 2 & 3: ---**

**The Court at the stage of admission made the following Order:**

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**THE HONOURABLE SRI JUSTICE A. GOPAL REDDY**

**WRIT PETITION NO. 12639 OF 2004**

**ORDER:-**

Heard the learned counsel for the petitioner as well as the learned Standing Counsel for Municipal Corporation of Hyderabad.

The grievance of the petitioner is that though the first respondent – Municipal Corporation of Hyderabad received complaint to the effect that respondents 2 and 3 are making constructions contrary to the sanctioned plan, no action of demolition of the constructions, which are not in accordance with the sanctioned plan, has been taken. Even according to the petitioner, when he approached the first respondent about the same, the authorities expressed their inability in view of the injunction order granted by the Civil Court in O.S.No.1384 of 2003 on the file of I Senior Civil Judge, City Civil Court, Hyderabad obtained by respondents 2 and 3. The petitioner was added as party-respondent in the said suit. If respondents 2 and 3 herein, who are plaintiffs in the said suit, are proceeding with the constructions contrary to the sanctioned plan, the petitioner can as well approach the civil Court in the said suit for appointment of a Commissioner to note down the physical features and get

appropriate orders for vacating the injunction order if the constructions are contrary to the sanctioned plan. The petitioner cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of India and therefore, the writ petition cannot be entertained.

Accordingly, the writ petition is dismissed at the admission stage itself.

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21-07-2004

Kdl

To

1. The Commissioner, Municipal Corporation of Hyerabad, Tank Bund,

Hyderabad.

2. Two C.D. Copies